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| 10/004,623      | 12/03/2001  | Craig Burfeind       | 702.500-CNT1        | 1581             |

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| EXAMINER |
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WASHBURN, DOUGLAS N

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| ART UNIT | PAPER NUMBER |
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2863

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03/06/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@GARMIN.COM

|                              |  |  |  |
|------------------------------|--|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/004,623   | <b>Applicant(s)</b><br>BURFEIND ET AL. |  |
|                              | <b>Examiner</b><br>DOUGLAS N. WASHBURN | <b>Art Unit</b><br>2863                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-23 and 30-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-23 and 30-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Arguments***

1 Applicant's arguments with respect to claims 18-23 and 30-34 have been considered but are moot in view of the new grounds of rejection.

The indicated allowability of claims 18-23 and 30-34 is withdrawn in view of the newly discovered reference to receiving weather reports. Rejections based on the newly cited reference follow.

***Claim Rejections - 35 USC § 103***

2 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-23 and 30-34 are rejected under 35 U.S.C. 103(a) as being anticipated by Zereski, Jr et al. (US 5,654,886) (Hereafter referred to as Zereski) in view of Kennedy et al. (US 4,812,825) (Hereafter referred to as Kennedy).

Zereski teaches:

Regarding claim 18, receiving natural phenomena data (outdoor information includes weather information and may include such additional information as ski reports, road conditions, traffic conditions and the like; column 3, lines 23-25) from a source (outdoor information sources include National Weather Service (NWS) data 10; column 3, lines 26 and 27);

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transmitting the portion to at least one destination device (information is supplied to a presentation generator 20; column 3, lines 29 and 30);

Regarding claim 19, receiving natural phenomena data occurs before receiving predetermined criteria for selecting natural phenomena data (data includes basic weather data as well as forecasts for different geographical regions. Images, such as radar images and cloud maps, may be obtained from WSI Corporation of Billerica, Mass. Ski reports may be obtained from Snow Country Reports of Woodstock, Vt. In a manner similar to that described above, the ski reports are electronically transmitted to the presentation generator 20. As noted above, additional sources of outdoor information may include road conditions for different geographical regions and traffic conditions in urban areas; column 4, lines 35-45);

Regarding claim 20, before transmitting, receiving predetermined criteria identifying at least one destination device, and where transmitting further comprises encoding the portion compliant to the destination device medium capabilities, features, and functions (A presentation template is a description of a particular multimedia presentation that may be made available by the system, for example, on Internet. The presentation is reproduced at a user computer, which preferably has multimedia capabilities. A presentation typically includes graphics and text that appear on the display screen of the user computer. In addition, some of the presentations include audio, such as a meteorologist's oral weather forecast. The graphic information may occupy a single display screen or may be sufficiently long to require scrolling at the user computer; column 4, lines 53-62);

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Regarding claim 21, the predetermined criteria further describes at least one activity and the predetermined activity further comprises: at least one sensitivity to natural phenomena; a schedule of the at least one activity; and at least one geographic location of the at least one activity (As shown in FIG. 2, a data requester 40 acquires the text, images and audio that are needed to build a particular presentation. An asset assembler 42 uses the data provided by the requester 40 to fill in the presentation templates. An asset database 44 contains presentation templates, graphics, such as icons that appear on the presentations, and advertising. A presentation renderer 46 transforms the completed template into one or a series of image frames. When animation or audio is used, a video builder 48 compresses the series of image frames provided by the presentation renderer 46 into industry standard video file formats; column 5, lines 4-14);

Regarding claim 22, the portion further comprises multimedia data (The presentation is reproduced at a user computer, which preferably has multimedia capabilities; column 4, lines 54-57);

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Regarding claim 23, the destination device includes one or more devices selected from the group consisting of a telephone, a voicemail system, a pager, a multimedia-enabled computer, an email system, a computer display monitor, a personal digital assistant, and a personal communication system phone (a communication link to transmit the forecast information to the presentation generator 20 for storage and processing. (5) In an alternative method, meteorologists who do not have the specialized software described above can enter the weather forecast information into a computer capable of accessing the Internet. The information is electronically transmitted via e-mail to the presentation generator 20. (6) In yet another alternative, the meteorologist can complete a paper form that is sent by facsimile to the location of the presentation generator 20. Operators at the location of the presentation generator enter the required information into the presentation generator. The audio component of the meteorologist's forecast is handled by the meteorologist calling a voice mail facility at the presentation generator location. The audio message is captured and input to the presentation generator 20; column 4, lines 16-32);

Regarding claim 30, computerized system for generating and distributing personalized natural phenomena information, comprising: a receiver of natural phenomena data (outdoor information includes weather information and may include such additional information as ski reports, road conditions, traffic conditions and the like; column 3, lines 23-25) from a source (outdoor information sources include National Weather Service (NWS) data 10; column 3, lines 26 and 27);

a receiver of predetermined criteria for selection of natural phenomena data, wherein the predetermine criteria comprises personal preference data of a subscriber (images 12, such as radar maps and cloud images, meteorologist's forecasts 14 and ski reports 16; column 3, lines 27-29);

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a selector of the portion of the natural phenomena data based on the predetermined criteria, communicatively connected to the receiver of natural phenomena data and the receiver of predetermined criteria (meteorologist's forecasts 14 are obtained from different meteorologists in different geographical regions and different cities. The meteorologists are preferably TV meteorologists that are known to the public in a particular region or city. As described below, each meteorologist's forecast is used to produce a highly informative multimedia localized weather forecast presentation that is made available on Internet and other on-line services; column 3, lines 48-55);

at least one transmitter communicatively connected between the selector and at least one destination device (forecasts are preferably produced twice per day but may be produced several times per day and preferably are electronically transmitted to the presentation generator for conversion into a graphic format; column 3, lines 60-64);

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Regarding claim 31, a receiver of predetermined criteria of at least one destination device, communicatively coupled between the selector and the transmitter, and wherein the transmitter encodes the portion compliant to the capabilities, features, and functions of the destination device medium and transmits the encoded portion to the destination device (The presentation generator 20 comprises a computer system having a database for storing the outdoor information received from the various sources. In a preferred embodiment, the outdoor information from the various sources is electronically transmitted to the presentation generator 20 at specified intervals, such as twice daily, to insure that current outdoor information is available. The presentation generator 20 converts the outdoor information into one or more multimedia presentations that may be made available on Internet 22, on-line services 24, such as CompuServe, Prodigy and America On-Line, interactive TV 26, and any other computer network or information transmission network. The multimedia presentations may include various combinations of graphics, text, animation and audio, that are reproduced by a user machine, such as a multimedia computer, a computer terminal or an interactive television; column 3, lines 30-44);

Regarding claim 32, at least one sensitivity to natural phenomena (outdoor information from a plurality of sources is compiled by electronically transmitting the outdoor information from each of the sources to a presentation generator; column 2, lines 30-33);

a schedule of the plurality of activities (Selected portions of the outdoor information are entered into a software presentation template representative of the presentation, and the completed presentation template is rendered into a digital representation of the presentation; column 2, lines 35-37



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at least one geographic location associated with each of the plurality of activities (The presentation generator 20 comprises a computer system having a database for storing the outdoor information received from the various sources. In a preferred embodiment, the outdoor information from the various sources is electronically transmitted to the presentation generator 20 at specified intervals, such as twice daily, to insure that current outdoor information is available. The presentation generator 20 converts the outdoor information into one or more multimedia presentations that may be made available on Internet 22, on-line services 24, such as CompuServe, Prodigy and America On-Line, interactive TV 26, and any other computer network or information transmission network. The multimedia presentations may include various combinations of graphics, text, animation and audio, that are reproduced by a user machine, such as a multimedia computer, a computer terminal or an interactive television; column 3, lines 48-60);

Regarding claim 33, the portion further comprises multimedia data (The presentation is reproduced at a user computer, which preferably has multimedia capabilities; column 4, lines 54-57);

And regarding claim 34, the destination device includes one or more devices selected from the group consisting of a telephone, a voicemail system, a pager, a multimedia-enabled computer, an email system, a computer display monitor, a personal digital assistant, and a personal communication system phone (a communication link to transmit the forecast information to the presentation generator 20 for storage and processing. (5) In an alternative method, meteorologists who do not have the specialized software described above can enter the weather forecast information into a computer capable of accessing the Internet. The information is electronically transmitted via e-mail to the presentation generator 20. (6) In yet another alternative, the meteorologist can complete a paper form that is sent by facsimile to the location of the presentation generator 20. Operators at the location of the presentation generator enter the required information into the presentation generator. The audio component of the meteorologist's forecast is handled by the meteorologist calling a voice mail facility at the presentation generator location. The audio message is captured and input to the presentation generator 20; column 4, lines 16-32).

Zereski fails to fully teach, regarding claim 1, receiving predetermined criteria for selecting natural phenomena data, wherein the predetermined criteria comprises information that describes personal preference data of a subscriber; selecting a portion of the natural phenomena data based on the predetermined criteria.

Kennedy teaches, receiving predetermined criteria for selecting natural phenomena data, wherein the predetermined criteria comprises information that describes personal preference data of a subscriber; selecting a portion of the natural phenomena data based on the predetermined criteria (a receiver operable to receive an amplitude modulated electromagnetic signal produced by a tornado within the frequency range of 1 Mhz to 100 Mhz and operable to provide an activity signal dependent on the electromagnetic signal; column 2, lines 35-39).

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Regarding claims 18-23 and 30-34, it would have been obvious to one skilled in the art at the time of the instant invention to modify the teaching of Zereski of receiving natural phenomena data with the teaching of Kennedy of receiving an amplitude modulated signal because an amplitude modulated signal would have allowed a desired alarm level to be produced after attaining a predetermined level (Kennedy column 2, lines 45-48).

### ***Conclusion***

3 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas N. Washburn whose telephone number is (571) 272-2284. The examiner can normally be reached on Monday through Thursday 6:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on (571) 272-2312.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward R. Cosimano/

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Primary Examiner, Art Unit 2863

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